

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:16-CV-906-BO

KATHY LIVINGSTON, as Administratrix )  
of The Estate of John David Livingston, II, )  
*et al.*, )  
Plaintiffs, )  
v. )  
NICHOLAS KEHAGIAS, both individually )  
and in his official capacity as law )  
enforcement officer with the Harnett County )  
Sheriff's Department, *et al.*, )  
Defendants. )

O R D E R

This cause comes before the Court *sua sponte* following defendants' notice of appeal of this Court's denial of their motion for summary judgment. [DE 136]. In light of the foregoing, the jury trial scheduled in this matter for September 24, 2018, is cancelled. Consideration of any issue not directly implicated by the pending appeal is hereby STAYED, *see Stewart v. Donges*, 915 F.2d 572, 575–76 (10th Cir. 1990), and the clerk is DIRECTED to remove the case from the Court's active docket. The clerk shall return the case to the active docket on the filing of the court of appeals' mandate.

SO ORDERED, this 13 day of August, 2018.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE